



Application No. (if known): 09/998,621

Attorney Docket No.: 03404/000K075-US0

## Certificate of Express Mailing Under 37 CFR 1.10

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EV 778823777-45

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on March 24, 2006  
Date



Signature

\_\_\_\_\_  
Typed or printed name of person signing Certificate

\_\_\_\_\_  
Registration Number, if applicable

\_\_\_\_\_  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request for Withdrawal of Notice of Abandonment (3 pages)  
Exhibit A - Copy of Notice of Abandonment (2 pages)  
Exhibit B - Declaration of Edward Ellis (3 pages)  
Exhibit C - Declaration of Walter Norris (3 pages)  
Exhibit D - Copy of File Jacket (1 page)  
Exhibit E - PATTSY printout (2 pages)  
Return Postcard

The Patent Office is respectfully advised that on March 14, 2005, Applicants submitted pursuant to 37 C.F.R. § 1.10, *inter alia*, a Request for Continued Examination (RCE) along with an Amendment in Response to a Final Office Action, and Check No. 7934 for \$790 to cover the RCE fee. These papers were received and acted on by the Examiner who then subsequently mailed the Office Action on June 6, 2005. However, the next communication that the Applicants received after filing the RCE was the Notice of Abandonment dated February 27, 2006.

As set forth below in the Declarations of Edward J. Ellis (copy enclosed at Exhibit B) and Walter J. Norris (copy enclosed at Exhibit C), Applicants only became aware of the outstanding Office Action after the application became abandoned and Applicants received the Notice of Abandonment.

The declaration signed by Walter J. Norris, Records Department Manager at Darby & Darby P.C., (Exhibit C) describes the procedure followed by our Records Department in the handling of all mail received from the Patent Office.

It is respectfully requested that the present submission of the executed declarations, along with the other exhibits, be considered and that the present submission and request be acted upon so as to result in the present application being reinstated and withdrawn from a holding of abandonment and the June 6, 2005 Office Action should be remailed with a new time period for Applicants to formally respond. Applicants respectfully request that they have been diligent in seeking withdrawal of the notice of abandonment since becoming aware of such fact.

It is believed that no additional fee is due since the present application did not become abandoned as a result of Applicants' conduct or inactivity. If for some reason, the USPTO believes that fees or charges are due in connection with the above-identified matter, authorization is hereby given to charge our Deposit Account No. 04-0100.

Applicants respectfully request the withdrawal of the Holding of Abandonment for the present application and that the enclosed response/submission be entered and the present application examined on the merits and the outstanding Office Action be reissued.

For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: March 24, 2006

Respectfully submitted,

By \_\_\_\_\_  
Edward J. Ellis

Registration No.: 40,389  
DARBY & DARBY P.C.  
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Attorneys/Agents For Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 24 2006

U.S. PATENT & TRADEMARK OFFICE  
APR 2006

E. Ellis

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	LAST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,621	11/30/2001	Masato Takahashi	3404/OK075	4928

7278 7590 02/27/2006  
DARBY & DARBY P.C.  
P. O. BOX 5257  
NEW YORK, NY 10150-5257

EXAMINER  
HYLTON, ROBIN ANNETTEART UNIT  
3727DUE: PETITION TO Revive

Docketed on \_\_\_\_\_ by \_\_\_\_\_ for DATE MAILED: 02/27/2006

Docketed without file Attorney Y

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b> 09/998,621 <b>Examiner</b> Robin A. Hylton	<b>Applicant(s)</b> TAKAHASHI ET AL. <b>Art Unit</b> 3727
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 06 June 2005.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:



ROBIN A. HYLTON  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Customer No.: 07278

Docket No: 03404/000K075-US0



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD  
THEREOF

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DECLARATION OF EDWARD J. ELLIS

Edward J. Ellis declares and says:

1. I am an attorney of record in the above identified application.

2. I make this declaration in support of the REQUEST TO WITHDRAW

HOLDING OF ABANDONMENT. The REQUEST which seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006, in the above-referenced application and (b) to have the Office Action dated June 6, 2005 remailed to the Applicants.

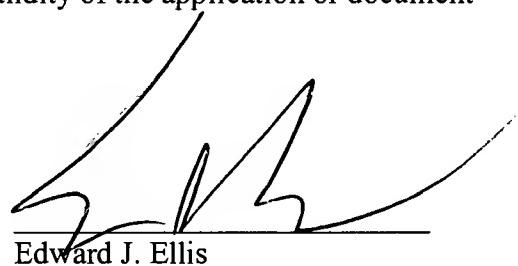
3. Upon receiving this Notice of Abandonment, I checked the file jacket of the present application for the existence of the Office Action dated June 6, 2005 and did not locate such Office Action in the file jacket.

4. A docket sheet (enclosed as Exhibit D) for the present application which is located on the front cover of the file jacket for the application was also checked to see if any entry was made showing receipt of the June 6, 2005 Office Action and the entry of a deadline to file a response to the Office Action. No such docket entry was found but instead, the docket sheet only shows that the RCE was filed on March 14, 2005 as a response to the Final Office Action (see highlighted section on the docket sheet enclosed as Exhibit D) and then an entry entitled "Petition to Revive" was entered with a base date of February 27, 2006 to evidence the mail date and receipt of the Notice of Abandonment.

5. After receiving the Notice of Abandonment, I checked the public PAIR system that is operated at the USPTO.GOV website, at which time and for the first time, the June 6, 2005 Office Action was uncovered and viewed.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006

A handwritten signature in black ink, appearing to read "Edward J. Ellis". The signature is fluid and includes several loops and a small 'J' at the beginning.

DARBY & DARBY, P.C.  
805 Third Avenue  
New York, N.Y. 10022  
Phone (212) 527-7700

{W:\03404\000K075000\00693468.DOC [REDACTED] }



Customer No.: 07278

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD  
THEREOF

---

DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.
2. I make this declaration in support of the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The REQUEST seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.
3. On information and belief and based on a review of the file jacket of the present application and the docket sheet for the present application, the June 6, 2005 Office Action was not received by Darby & Darby P.C.

{W:\03404\000K075000\00692761.DOC [REDACTED] }

4. It is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

5. All USPTO documents with deadlines (including Office Actions) are scanned into the firm's network so that they can be viewed and/or printed at any time. In addition, a docket entry indicating that mail has been received is entered into the corresponding record in our database, identified by the USPTO mail date and name of the document. (To keep the firm's personnel fully informed at all times, a database report is generated on a daily basis identifying all USPTO mail received.) The actual USPTO document is then matched to the hard file and delivered to the Docketing Department for docketing of its due date on the cover of the hard file, as well as in the firm's hard docketing ledgers.

6. I have checked our running report of USPTO mail received after the alleged mail date of the Office Action in this case (June 6, 2005), and found that we have no record of having received any USPTO mail for this matter up to the receipt of the Notice of Abandonment. A computer print screen from our database (enclosed as Exhibit E) for the present application shows that no entry was made for an Office Action dated June 6, 2005, but instead merely shows that the next communication received after the Request for Continued

{W:\03404\000K075000\00692761.DOC [REDACTED] }

Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application (Exhibit D) likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006

Walter J. Norris  
Walter J. Norris

DARBY & DARBY, P.C.  
805 Third Avenue  
New York, N.Y. 10022  
Phone (212) 527-7700

3727)

# 4928



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ASSGN

03404 / 000K075-US0

PRINTED ON Wednesday, March 08, 2006

Fujimoto Patent &amp; Law Office

Last Updated By: DBP

201

Application No.: 09/988,621  
 Filing Date: 11/30/2001  
 Application Type: UTL  
 Examiner Name:  
 Group Art Unit:  
 Confirmation No.:

Client Ref. No.: FPA1-143/-USPAP133  
 Status: PUBLISHED  
 Publication No.:  
 Publication Date: 12/26/2002  
 Patent No.:  
 Issue Date:

Title of Invention: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD THEREOF

Small Entity: no

Assignment: R/F: D12339/0348 TOKYO, JAPAN &amp; HYOGO, JAPAN

Assignee(s): Shin-Etsu Polymer Co., Ltd.  
Mitsubishi Cable Industries, Ltd.Inventor(s): Takahashi, Masato  
Fujimori, Yoshiaki;  
Azuma, Yoshio  
Nishmura, Yasuyuki  
Horita, Naohiro

ACTION	BASE	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	UP
PETITION TO REVIVE	2/27/2006	2/27/2006		2/27/2006	0		0M	
DELIVER FILE TO DKTG	3/14/2005	8/14/2005		8/14/2005	0		1M	
NOTICE OF APPEAL	12/14/2004	6/14/2005	3	1	6/14/2005	0	3/14/2005	3M
FINAL REJECTION	12/14/2004	3/14/2005	3	1	6/14/2005	0	3/14/2005	1M
RESPONSE TO OA	6/16/2004	9/16/2004	3	1	12/16/2004	1	9/16/2004	1M
DRAWING REQUIREMENT	8/16/2004	9/16/2004	3	1	12/16/2004	3	9/16/2004	1M
NOTICE OF APPEAL	8/12/2003	2/12/2004		2/12/2004	0	2/11/2004	3M	
FINAL REJECTION	8/12/2003	11/12/2003	3	1	2/12/2004	3	2/11/2004	1M
DRAWING REQUIREMENT	8/12/2003	11/12/2003	3	1	2/12/2004	3	2/11/2004	1M
FILE FORMALS???	8/3/2003	11/3/2003	3	1	11/3/2003	0	2/11/2004	1M

BEST AVAILABLE COPY

Priority Claimed 6/8/01 Docs. Fwd. 11/30/01 PTO Ack. 3/12/03 0M

DARBY &amp; DARBY, P.C.

PATTSY  
Entered 01/12/2011  
Docketed

E BLVD.

Darby#	000K075-US0			MAR 6 2006		PRINTED ON:	3/23/2006	
COUNTRY	US	UNITED STATES		TITLE SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD THEREOF			PRIOR	6/8/2001
NEW/CON	CEQ	SERIAL#	09/998,621				MAIL	11/30/2001
RELATED	n/a	PATENT#					FILE	11/30/2001
TYPE	UTL	STATUS	PUBLISHED				PUBL	12/26/2002
CLIENT	03404	Fujimoto Patent & Law Office		1	CREF	FPA1-143-/USPAP133	ISSUE	
AGENT				AREF			1ST	11/30/2001
							EXP	11/30/2021

## (2) REFS.

FR	N	FINAL REJECTION	12/14/2004	3 M	3/14/2005	31	6/14/2005	0	3/14/2005	1 M	Y Y N
NA	N	NOTICE OF APPEAL	12/14/2004	6 M	6/14/2005		6/14/2005	0	3/14/2005	3 M	Y Y N
DK	N	DELIVER FILE TO DKTG	3/14/2005	5 M	8/14/2005		8/14/2005	0		1 M	N Y N
VV	N	PETITION TO REVIVE	2/27/2006	0 M	2/27/2006		2/27/2006	0		0 M	Y Y N

## INVENTORS

Takahashi, Masato  
Fujimori, Yoshiaki;  
Azuma, Yoshio  
Nishimura, Yasuyuki  
Horita, Naohiro

## ASSIGNEES

Shin-Etsu Polymer Co., Ltd.  
Mitsubishi Cable Industries, Ltd.

## USER-DEFINABLE FIELDS

TEXT 1  
TEXT 2  
Old# OK075US0

## PATENT FIELDS

SMALL ENTITY	no	ART UNIT	
CLAIMS		EXAMINER	
PUBLICATION#		CONFIRM#	

P11845US00 ENTERED 11/27/2001 MODIFIED 3/8/2006 BY DBP PAY  ATTORNEYS PCS / AAA / HL / EJE

## FILE LOCATION

FILE/SUBFILE#	LOC
OK075US0	RAGIB
000K075-US0	EJE
000K075-US0R1	FILE